

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BRANDI M. MUNCY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-12-0361-F
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of the Social Security)	
Administration,)	
)	
Defendant.)	

ORDER

Plaintiff Brandi M. Muncy brings this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying plaintiff's application for disability insurance benefits and supplemental security income payments under the Social Security Act.

The Report and Recommendation of Magistrate Judge Shon T. Erwin dated April 8, 2013 (the Report, doc. no. 16) recommends affirming the decision of the Commissioner, which was unfavorable to the plaintiff. Plaintiff objected to that Report, arguing that the magistrate judge had failed to address certain arguments. The court granted the objection on that limited basis only, and the matter was referred back to the magistrate judge for issuance of an amended or supplemental report and recommendation. A Supplemental Report and Recommendation was issued by the magistrate judge on May 16, 2013. (Supplemental Report, doc. no. 19.) The

Supplemental Report more fully addressed plaintiff's arguments, and restated the recommendation that the Commissioner's decision be affirmed. Plaintiff then filed an objection to the Supplemental Report, doc. no. 20, arguing that the Supplemental Report still failed to address certain aspects of her arguments.

The court has reviewed all objected to matters *de novo*. See, 28 U.S.C. §636(b)(1) (court makes a *de novo* determination of those portions of the report to which objection is made). Having reviewed the Report, the Supplemental Report, the record, and the relevant arguments and authorities, the court finds that no purpose would be served by setting out any further analysis here.

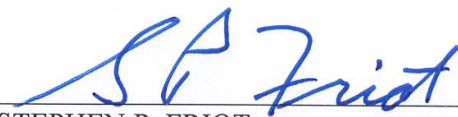
The court's previous granting of plaintiff's objection to the original report had nothing to do with the merits of this matter; rather, the original objection was granted merely to the extent necessary to refer the matter back to the magistrate judge for additional recommendations; the court now **DENIES** the balance of plaintiff's objections to the original Report. The court also **DENIES** plaintiff's objections to the Supplemental Report.¹

The court hereby **ACCEPTS, ADOPTS** and **AFFIRMS** the findings and recommendations of the magistrate judge as stated in the original Report and in the

¹Plaintiff's objection to the Supplemental Report argues, among other things, that the magistrate judge wrongly addressed step four, rather than the administrative law judge's findings at step five of the analysis. However, plaintiff's arguments in her original objection referenced step five but quoted language from the ALJ's step four analysis. See, doc. no. 17, p. 2, quoting AR 20. The court has no quarrel with the manner in which the magistrate judge has now supplemented his report in an effort to answer plaintiff's original objection that certain arguments were not previously addressed.

Supplemental Report. The decision of the Commissioner denying plaintiff's applications for benefits is **AFFIRMED**.

Dated this 13th day of June, 2013.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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